

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

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| DARRELL J. HARPER, #1957729 | § | |
| VS. | § | CIVIL ACTION NO. 6:15cv149 |
| STATE OF TEXAS DEPT. OF CRIMINAL JUSTICE, ET AL. | § | |

ORDER OF DISMISSAL

Plaintiff Darrell J. Harper, an inmate confined at the Larry Gist Unit of the Texas prison system, proceeding *pro se*, filed the above-styled and numbered civil rights lawsuit. The cause of action was referred to United States Magistrate Judge K. Nicole Mitchell, who issued a Report and Recommendation concluding that the lawsuit should be dismissed in light of sanctions previously imposed against him. Harper has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of objections raised by Harper to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and Harper's objections are without merit.

Harper has routinely engaged in abuse of the federal court system. PACER lists 111 cases filed by him in federal courts in Texas. The Fifth Circuit thus imposed sanctions against him and "barred him from filing any pleadings in [the Fifth Circuit] or in any court subject to [the Fifth Circuit's] jurisdiction until the total amount of the sanctions imposed against him is paid in full." *Harper v. City of Houston*, 282 F. App'x 351, 351-52 (5th Cir.), *cert. denied*, 555 U.S. 1003 (2008).

Harper persists in abusing the federal court system despite the sanctions. Indeed, starting in 2014, he has filed 28 civil lawsuits in the Tyler Division even though he is not confined here and there is no basis for venue in this Court. The lawsuit should be dismissed in accordance with the sanctions imposed by the Fifth Circuit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Report and Recommendation (docket entry #3) is **ADOPTED**. It is further

ORDERED that the civil rights complaint is **DISMISSED** without prejudice as barred by the sanctions imposed by the United States Court of Appeals for the Fifth Circuit. All motions not previously ruled on are hereby **DENIED**.

It is SO ORDERED.

SIGNED this 18th day of May, 2015.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE